IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 7TH FEBRUARY 2007 / 18TH MAGHA 1928

Bail Appl..No. 567 of 2007()

CRIME NO. 236 OF 2005 OF PUDUNAGARAM POLICE STATION

PETITIONER/ACCUSED

SHAJI.P.M.,
S/O.MOHAMMED, PUHIYAVEETTIL HOUSE,
TRICHUR.

BY ADV. SRI.P.K.ANIL

RESPONDENTS: COMPLAINANT/STATE

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1. THE SUB INSPECTOR OF POLICE,
PUTHUNAGARAM POLICE STATION,
PALAKKAD DISTRICT.

2. STATE REP.BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/02/2007, THE COURT ON 07/02/2007 PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 567 of 2007

DATED: 7th February 2007

O R D E R

Petitioner who is the 4th accused in Crime No. 236/05 of Puthunagaram Police Station for an offence punishable under Sec. 55(a) of the Abkari Act for allegedly having transported 600 litres of spirit in 20 cans in a Tata Indica Car on 4-10-2005, seeks anticipatory bail.

2. The learned Public Prosecutor opposed the application. He made available to me the case diary files relating to this matter.

3. I perused the case diary files which reveal that the contraband spirit was transported by accused Nos. 1 and 2 for the petitioner. It is too early to accept the petitioner's contention that he has nothing to do with the spirit seized from the Indica Car. Moreover, I am not satisfied that both the grounds enumerated under sec.41A (b) (ii) of the Abkari Act are present in this case so as to justify the grant of anticipatory bail.

With the above observation this Application is dismissed.

Sd/-V.RAMKUMAR, JUDGE.

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